

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Charles Lee Elwell,

Civil No. 11-2595 (RHK/LIB)

Petitioner,

ORDER

v.

Scott P. Fisher, Warden,
FCI Sandstone,

Respondent.

Before the Court are Petitioner's Objections to the April 25, 2012, Report and Recommendation of United States Magistrate Judge Leo I. Brisbois; Judge Brisbois has recommended the denial of Petitioner's application for a writ of habeas corpus pursuant to 28 U.S.C. § 2241. The undersigned has conducted a de novo review of the Objections and the Report and Recommendation; in addition the Government has submitted a memorandum in support of its position.

The Court finds Judge Brisbois's Report and Recommendation to be thorough and his conclusions and recommendation are fully supported by the factual record before the Court and his legal conclusions are consistent with controlling legal authorities.

Accordingly, and upon all of the files, records and proceedings herein, **IT IS**

ORDERED:

1. Petitioner's Objections (Doc. No. 24) are **OVERRULED**;
2. The Report and Recommendation (Doc. No. 23) is **ADOPTED**;

3. Petitioner's application for a writ of habeas corpus pursuant to 28 U.S.C.

§ 2241 (Doc. No. 1) is **DENIED**; and

4. This action is **DISMISSED WITH PREJUDICE**.

Dated: June 18, 2012

s/Richard H. Kyle
RICHARD H. KYLE
United States District Judge